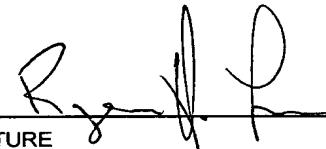


Substitute for Form PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER 030685-049
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NUMBER (If known, see 37 CFR 1.5) <b>107519538</b> Unknown	
INTERNATIONAL APPLICATION NO. PCT/JP03/07653	INTERNATIONAL FILING DATE June 17, 2003	PRIORITY DATE CLAIMED June 28 and September 25, 2002	
TITLE OF INVENTION  CHOCOLATE DRINKS AND METHOD FOR THEIR PRODUCTION			
APPLICANT(S) FOR DO/EO/US Yoshiko HINO et al.			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission to items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).			
Items 11 to 21 below concern document(s) or information included:			
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A change of power of attorney and/or address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input checked="" type="checkbox"/> Other items or information: <u>Copies of International Search Report, front page of WO 2004/002243 A1, Form PCT/IB/308 and Form PCT/IB/304</u>			

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>104519538</b>		INTERNATIONAL APPLICATION NO. PCT/JP03/07653		ATTORNEY'S DOCKET NUMBER 030685-049	
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<p>21. <input checked="" type="checkbox"/> Applicant(s) requests that the published application include the following assignment information: <u>SUNTORY LIMITED</u></p> <p>22. <input checked="" type="checkbox"/> The following fees are submitted:</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4">Basic Filing Fee (1631)</td> <td style="width:15%; text-align: right;">\$ 300.00</td> <td style="width:15%;"></td> </tr> <tr> <td colspan="4">           Surcharge of <b>\$130.00 (1617)</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)).           <input type="checkbox"/> 20 <input type="checkbox"/> 30         </td> <td style="text-align: right;">\$ 0.00</td> <td></td> </tr> <tr> <td style="text-align: center;">CLAIMS</td> <td style="text-align: center;">NUMBER FILED</td> <td style="text-align: center;">NUMBER EXTRA</td> <td style="text-align: center;">RATE</td> <td style="text-align: right;">\$</td> <td></td> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">15</td> <td style="text-align: center;">-20 = 0</td> <td style="text-align: right;">x \$50.00 (1615)</td> <td style="text-align: right;">\$ 0.00</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">2</td> <td style="text-align: center;">-3 = 0</td> <td style="text-align: right;">x \$200.00 (1614)</td> <td style="text-align: right;">\$ 0.00</td> <td></td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td style="text-align: right;">+ \$360.00 (1616)</td> <td></td> </tr> <tr> <td colspan="4">Examination Fee</td> <td style="text-align: right;">+ \$200.00 (1633)</td> <td style="text-align: right;">\$ 200.00</td> </tr> <tr> <td colspan="4">Search Fee</td> <td style="text-align: right;">+ \$500.00 (1632)</td> <td style="text-align: right;">\$ 500.00</td> </tr> <tr> <td colspan="4">App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)</td> <td></td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS</td> <td style="text-align: right;">\$ 1,000.00</td> <td></td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.         </td> <td style="text-align: right;">+</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">SUBTOTAL =</td> <td style="text-align: right;">\$ 1,000.00</td> </tr> <tr> <td colspan="4">           Processing fee of <b>\$130.00 (1618)</b> for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492(f)).           <input type="checkbox"/> 20 <input type="checkbox"/> 30         </td> <td style="text-align: right;">\$ 0.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td style="text-align: right;">\$ 1,000.00</td> <td></td> </tr> <tr> <td colspan="4">           Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (8021)</b> per property +         </td> <td style="text-align: right;">\$ 40.00</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td style="text-align: right;">\$ 1,040.00</td> <td></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">Amount to be refunded :</td> <td></td> </tr> <tr> <td colspan="4"></td> <td style="text-align: right;">charged :</td> <td></td> </tr> </table> <p>a. <input checked="" type="checkbox"/> A check in the amount of <u>\$ 1,040.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-4800</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4800</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Charge _____ to credit card. Form PTO-2038 is attached.</p> <p><b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Burns, Doane, Swecker &amp; Mathis, L.L.P. P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620</p> </div> <div style="width: 45%; text-align: right;"> <p> SIGNATURE</p> <p>Roger H. Lee NAME</p> <p><u>46,317</u>      <u>December 28, 2004</u> REGISTRATION NO.      DATE</p> </div> </div>	Basic Filing Fee (1631)				\$ 300.00		Surcharge of <b>\$130.00 (1617)</b> for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492(e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$ 0.00		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		Total Claims	15	-20 = 0	x \$50.00 (1615)	\$ 0.00		Independent Claims	2	-3 = 0	x \$200.00 (1614)	\$ 0.00		MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00 (1616)		Examination Fee				+ \$200.00 (1633)	\$ 200.00	Search Fee				+ \$500.00 (1632)	\$ 500.00	App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)						TOTAL OF ABOVE CALCULATIONS				\$ 1,000.00		<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 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DT01 Rec'd PCT/PTC 28 DEC 2004

VERIFICATION OF A TRANSLATION

I, the below named translator, hereby declare that:

My name and post office address are as stated below;

That I am knowledgeable in the English language and in the language in which the below identified application was filed, and that I believe the English translation of International Application No. PCT/JP03/07653 is a true and complete translation of the above-identified International Application as filed.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated this 15th day of December, 2004

Full name of the translator: Tsuyoshi KAJITA

Signature of the translator:

Tsuyoshi Kajita

Post Office Address: c/o YUASA AND HARA, Section 206,  
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Ohtemachi 2-chome, Chiyoda-ku,  
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